

REMARKS

This Response is submitted in reply to the Non-Final Office Action of May 17, 2006.

Claims 1-28 are pending in the present application. By the present amendment, Claims 1-13 are canceled and Claim 29 is added. No new matter is introduced by any of these amendments. Applicant believes no fee is due at this time; however, please charge Deposit Account No. 02-1818 for any insufficiency or to credit any overpayment.

The Office Action required restriction to either Group I (Claims 1-13) or Group II (Claims 14-28). Applicants elect Group II without traverse and canceled claims 1-13 accordingly. Therefore, it is respectfully submitted that Applicant has complied with the Office Action's restriction requirement.


The Office Action also required that the Applicant elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is held to be allowable. Specifically, the Office Action requires election of the species of the substance inserted under the surface of the retina. The Office Action suggests the following species: a gas, saline, an oil, or a solid.

Applicant elects saline as the species of substance inserted under the surface of the retina. At least claims 14-21, 23 and 26-29 are readable thereon. Applicant further respectfully submits that claims 14-21 and 26-29 are generic to two or more of the species, including the species of the substance being saline. Having elected a species and identified claims readable thereon, Applicant respectfully submits that the Applicant has complied with the Office Action's election of species requirement.

Applicant therefore respectfully requests that a Notice of Allowance be issued.

Respectfully submitted,

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BY 

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